

**Title 12  
WATER\***

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\*Editor's note: For administrative rules relevant to this title, see BOH Title R12.

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**12.04 GENERAL**

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**12.04.010 Title.** The rules and regulations codified in this title shall be known as the "King County Public Water System Rules and Regulations" and may be so cited, and is referred to herein as "this title." (R&R 53 §1(part), 12-1-89).

**12.04.020 Purpose and policy declared.** This title is enacted as an exercise of the police power of the county to protect and preserve the public peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

A. It is expressly the purpose of this title to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

B. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner or operator of public water systems within its scope. No provision of nor term used in this title is intended to impose any duty whatsoever upon the county or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

C. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of the county, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of a public water system to comply with the provisions of this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of the county by its officers, employees or agents. (R&R 53 §1(part), 12-1-89).

**12.04.030 Statutory authority - Scope.** The provisions of this title are established pursuant to the authority derived from RCW 70.05.560 and WAC Chapter 246-290, including the latest revisions or amendments thereof, as they pertain to the authority and responsibilities of local health jurisdictions. The provisions of this title shall apply to the design, installation, alteration, addition, repair, replacement, maintenance and use of all group A noncommunity transient (as defined in Section 12.08.170(B) (3)(b)(2), (3) and (4)) public water systems serving zero (0) through two hundred ninety-nine (299) nonresidents and group B public water systems serving two (2) through nine (9) permanent connections or an average of less than twenty-five (25) people for sixty (60) or more days within a calendar year. (R&R 80 §1, 3-23-92: R&R 53 §1(part), 12-1-89).

**12.04.040 Administration.**

A. This title is administered according to the Water System Plan of Operation between the Washington State Department of Health (DOH) and the department signed and approved March 21, 1989 or as thereafter amended.

B. The rules and regulations of the State Board of Health regarding public water systems, WAC 246-291, including the latest revisions or amendments thereof, which are more stringent than the existing Title 12 of this code, shall become part of this title, and the department shall have primary responsibility for those provisions pertaining to group B (as defined in Section 12.04.030 of this chapter) water systems consistent with the division of responsibilities set forth in the water system plan of operation, as per WAC 246-291-030(1).

C. The health officer may develop administrative polices and guidelines to provide further definition of the requirements of this title as needed and make these available for distribution. Development of these guidelines shall allow for public comment consistent with the requirements of RCW 42.30.060, including the latest revisions or amendments thereof. (R&R No. 1 §1, 6-21-96: R&R No. 80 §2, 3-23-92: R&R No. 53 §1(part), 12-1-89).

#### **12.04.050 Access.**

A. The health officer may inspect any group A or B (as defined in Section 12.04.030 of this chapter) public water system for the purpose of conducting a sanitary water system survey, determining conformance with construction documents, investigating a complaint about a system, collecting water samples, or carrying out any other activity necessary for the protection of the public health of the users of the water system.

B. Access to the health officer to all group A or B (as defined in Section 12.04.030 of this chapter) public water systems shall be provided at such time and date as the health officer may require. (R&R No. 53 §1(part), 12-1-89).

#### **12.04.060 (Reserved).**

**Editor's Note: Former BOH 12.04.060, entitled Fees, was amended in its entirety, and relocated to BOH chapter 2.16, by BOH R&R 05-05.**

## **12.08 DEFINITIONS**

### **Sections:**

- 12.08.010 WAC 246-290 incorporation.
- 12.08.020 Accessory dwelling unit.
- 12.08.030 Area of heightened health concern.
- 12.08.035 Comprehensive system evaluation.
- 12.08.040 Coordinated water system plan.
- 12.08.050 County.
- 12.08.055 Critical recharge area.
- 12.08.060 Critical water supply service area.
- 12.08.070 Department.
- 12.08.080 Designer.
- 12.08.090 Development.
- 12.08.100 Distribution system.
- 12.08.110 Existing systems.
- 12.08.120 Five acres.
- 12.08.130 Health officer.
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- 12.08.142 Office conference.
- 12.08.145 Office file review/report.
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- 12.08.150 Pressure zone.
- 12.08.160 Professional engineer.
- 12.08.170 Public water system.
- 12.08.180 Purveyor.
- 12.08.190 Registered sanitarian.
- 12.08.200 Return inspection.
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- 12.08.220 Service area.
- 12.08.230 Spring.
- 12.08.240 State.

- 12.08.250 Surface water.
- 12.08.255 Unconfined aquifer.
- 12.08.260 Water facilities inventory form (WFI).
- 12.08.270 Water utility coordination committee.
- 12.08.280 Well log.

**12.08.010 WAC 246-290 incorporation.** Except as otherwise specifically provided in this chapter, the definitions set forth in WAC 246-290 are hereby incorporated by reference. (R&R No. 80 §3, 3-23-92; R&R No. 53 §1(part), 12-1-89).

**12.08.020 Accessory dwelling unit.** "Accessory dwelling unit" means living quarters within an accessory building for the sole use of the family or persons employed on the premises or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. (R&R 53 §1(part), 12-1-89).

**12.08.030 Area of heightened health concern.** "Area of heightened health concern" means an area where conditions are such that the soil treatment potential is ineffective in retaining and or removing substances of public health significance to underground sources of drinking water. (R&R 53 §1(part), 12-1-89).

**12.08.035 Comprehensive system evaluation.** "Comprehensive system evaluation (CSE)" means a review, inspection and assessment of a public water system, including but not limited to: source; facilities; equipment; operation and administration; maintenance; records; planning documents and schedules; monitoring; and potential sources of contamination for the purpose of verifying that safe and adequate drinking water is provided. (R&R No. 1 §3, 6-21-96).

**12.08.040 Coordinated water system plan.** "Coordinated water system plan" means a plan for public water supplies within critical water supply service areas which identifies the present and future water supply concerns in the most efficient manner possible. (R&R 53 §1(part), 12-1-89).

**12.08.050 County.** "County" means county of King. (R&R 53 §1(part), 12-1-89).

**12.08.055 Critical recharge area.** "Critical recharge area" means an area with a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water. (R&R 80 §4, 3-23-92).

**12.08.060 Critical water supply service area.** "Critical water supply service area" means a geographical area designated by the King County Council following identification within the "Preliminary Assessment of Water Supply and Fire Protection Issues in King County" prepared by the King County Parks, Planning and Resources. (R&R 53 §1(part), 12-1-89).

**12.08.070 Department.** "Department" means the Seattle-King County Department of Public Health. (R&R 53 §1(part), 12-1-89).

**12.08.080 Designer.** "Designer" means any holder of a public water system designer's certificate of competency pursuant to Chapter 12.08 of this title. (R&R 53 §1(part), 12-1-89).

**12.08.090 Development.** "Development" means land utilization as permitted by zoning laws, building codes, community plans and comprehensive plans including subdivisions, short subdivisions, lot line adjustments, rezones, building permits, ULID's and PUD's. (R&R 53 §1(part), 12-1-89).

**12.08.100 Distribution system.** "Distribution system" means that portion of a public water supply system which stores, affects, transmits, pumps, meters, controls and distributes water to consumers. (R&R 53 §1(part), 12-1-89).

**12.08.110 Existing systems.** "Existing systems" means any group B system, as defined by Section 12.08.170 of this chapter and WAC 246-291-130, which is one of the following:

A. Fully Approved/Adequate. A fully approved or adequate system is a public water system that has been found by the health officer to be in full compliance with this title and WAC 246-291 and may add services if designed accordingly. If the current design or configuration of a previously approved water system meets the code requirements in effect at the time the system was originally approved by the health department, the health department may not require that the system be upgraded to meet current

regulations provided the system meets the Washington State drinking water quality standards and is not adding services. The health department can require a Group B water system which is modified, altered, or otherwise changed without prior approval by the health officer or by the Washington State Department of Health, to be retrofitted, repaired, or have construction work completed as necessary to bring such water system into conformance with the plans and specifications previously approved by the health officer. A previously approved water system is a public water system which has demonstrated, through the submittal of plans, construction documents, as-built drawings, and/or water quality testing, whichever was required at the time of approval, that the water system met the requirements of the King County Board of Health and the Washington State WACs governing Group B public or Class 4 public water systems to the satisfaction of the health officer or the Washington State Department of Health, and the water system was issued a final approval by the health officer or the Washington State Department of Health as an approved Group B or Class 4 public water system.

B. Provisionally Adequate. A provisionally adequate system is a public water system that complies with applicable MCL and treatment standards, fire flow where applicable, and meets a twenty (20) psi minimum pressure requirement under peak hourly design flow conditions, but is not in compliance with other regulatory requirements. A provisionally adequate system is considered satisfactory for its existing services, but may not expand to supply additional services.

C. Inadequate. Any public water system not satisfying the requirements of a fully approved/adequate system or a provisionally adequate system shall be deemed unsatisfactory. No additional service connections shall be made to an inadequate system.

The health officer will determine which category an existing previously unapproved water system will be placed into upon receipt of sufficient information including as-built drawings and construction specifications submitted by a certified water system designer or engineer for the water system owners, water quality testing, and other such information as needed by the health officer to determine the extent of the water system's compliance with the provisions of Chapter 246-191 WAC and Title 12 of the Code of the King County Board of Health. For the purposes of this section, an existing Group B water system is a water system which can demonstrate to the satisfaction of the health officer that it was physically constructed, completed, and in use prior to the effective date of these regulations. (R&R No. 1 §4, 6-21-96: R&R 80 §5, 3-23-92: R&R 53 §1(part), 12-1-89).

**12.08.120 Five acres.** "Five acres" means two hundred seventeen thousand eight hundred (217,800) square feet or one-hundred-twenty-eighth (1/128) of the section in which the property is located (except for sections with less than six hundred forty (640) acres), including in addition, up to thirty (30) feet, but no more than one-half (1/2) of the right-of-way of any perimeter street. (R&R 80 §6, 3-23-92: R&R 53 §1(part), 12-1-89).

**12.08.130 Health officer.** "Health officer" means the director of the department or an authorized representative. (R&R 53 §1(part), 12-1-89).

**12.08.140 New water system.** "New water system" means public water system which is formed after the effective date of the rule and regulation codified in this title. (R&R 53 §1(part), 12-1-89).

**12.08.142 Office conference.** "Office conference" means a meeting with Group B water system users and/or their designer/engineer to address issues regarding water quality; quantity; service connections; operating agreements; protective radius covenants; water line easements; other issues of public health importance; existing water system construction; and/or water system engineering where the time of the meeting is expected to be a minimum of one hour. The current annual Public Health hourly fee for the drinking water program would apply for any time longer than one hour. (R&R 04-02 §2, 7-6-2004).

**12.08.145 Office file review/report.** "Office file review/report" means a non-site visit investigation of the records on a Group B water system which are readily available in the Group B water system file, analysis of the water quality records, water system history, and water system construction documents to prepare a written report on the status of the Group B water system at the request of a lending institution or any other person. The health officer shall complete an office file/review report only if a comprehensive water system evaluation for the requested Group B water system has been completed within five years before the health officer has received the application for such report. (R&R 04-02 §3, 7-6-2004).

**12.08.147 Plan modification.** "Plan modification" means an evaluation of plan submittals for proposed or actual limited changes to Group B water systems facilities and operating agreements to determine whether the system as proposed or changed will comply with Chapter 246-291 WAC, as amended and Title 12 of this code, as amended. Plan modification shall not include new connections or

major modifications to the Group B water system which shall be subject to the fee for initial plan review. (R&R 04-02 §4, 7-6-2004).

**12.08.150 Pressure zone.** "Pressure zone" means designation of a service area within which the distribution grid of any portion of the water system operates with a "satisfactory pressure range" under maximum instantaneous demand flow conditions, without the need to repump due to low pressure or to reduce excessive pressure through pressure-reducing valves. A "satisfactory pressure range" is generally from a minimum of thirty (30) psi to a maximum of eighty (80) psi service pressure at all points within the system, under maximum instantaneous demand flow conditions measured at any customer's water meter or at the property line. (R&R 53 §1(part), 12-1-89).

**12.08.160 Professional engineer.** "Professional engineer" means an engineer licensed in the state as a professional engineer per RCW Chapter 18.43 including the latest revisions or amendments thereof. (R&R 80 §7, 3-23-92: R&R 53 §1(part), 12-1-89).

**12.08.170 Public water system.**

A. "Public water system" means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single-family residence or a water system which serves a single-family residence and one of the following:

1. A temporary medical hardship residence;
2. Any other accessory dwelling unit.

B. Public water systems shall be categorized as follows:

1. A group A water system shall be a system:

- a. With fifteen or more service connections, regardless of the number of people; or
- b. Serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

Group A water systems are further defined as community and noncommunity water systems.

2. Community (residential) water system means any group A public water system:

- a. With fifteen or more service connections used by residents for one hundred eighty or more days within a calendar year, regardless of the number of people; or
- b. Regularly serving twenty-five or more residents for one hundred eighty or more days within the calendar year, regardless of the number of service connections.

Examples of community (residential) water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

3. Noncommunity water system means a group A public water system which is not a community (residential) water system. Noncommunity water systems are further defined as:

a. Nontransient (NTNC) (school/business/ industry) water system means a noncommunity water system regularly serving twenty-five or more of the same nonresidents for one hundred eighty or more days within a calendar year. Examples of a NTNC water system might include a school, day care center, or a business, factory, motel, or restaurant with twenty-five or more employees on-site.

b. Transient (TNC) (food/lodging/recreation) water system means a noncommunity water system:

i. Having fifteen or more service connections used less than one hundred eighty days within a calendar year; or

ii. Serving twenty-five or more different nonresidents for sixty or more days within a calendar year; or

iii. Serving twenty-five or more of the same nonresidents for sixty or more days, but less than one hundred eighty days within a calendar year; or

iv. Serving twenty-five or more residents for sixty or more days, but less than one hundred eighty days within a calendar year.

Examples of a TNC water system might include a restaurant, tavern, motel, campground, state or county park, an RV park, vacation cottages, highway rest area, or church.

4. A group B water system means a public water system which is not a group A water system. This would include a water system with less than fifteen (15) service connections and serving:

a. An average of less than twenty-five (25) people for sixty (60) or more days within a calendar year; or

b. Any number of people for less than sixty (60) days within a calendar year. (R&R 53 §1(part), 12-1-89).

**12.08.180 Purveyor.** "Purveyor" means any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that owns or operates a public water system. It also means the authorized agents of any such entities. (R&R 53 §1(part), 12-1-89).

**12.08.190 Registered sanitarian.** "Registered sanitarian" means a sanitarian registered with the Washington State Board of Registered Sanitarians or the National Environmental Health Association, who is in good standing with the appropriate licensing agency. (R&R 53 §1(part), 12-1-89).

**12.08.200 Return inspection.** "Return inspection" means a second or subsequent site visit for a well site inspection, final inspection, comprehensive system evaluation, or well seal or decommissioning inspection within any one-year time period to verify compliance with this title or Chapter 173-160 WAC, including corrections of violations of well seal or decommissioning requirements. (R&R 04-02 §5, 7-6-2004).

**12.08.210 Service.** "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations allowing three (3) or more persons to occupy the same room, three (3) persons will be considered equivalent to one service. (R&R 53 §1(part), 12-1-89).

**12.08.220 Service area.** "Service area" means a specific geographical area serviced or for which service is planned by a purveyor (RCW 70.116.030(6)). (R&R 53 §1(part), 12-1-89).

**12.08.230 Spring.** "Spring" means a natural avenue which links a zone of saturation with the ground surface and allows water to flow to the surface, either by gravity or artesian pressure. (R&R 53 §1(part), 12-1-89).

**12.08.240 State.** "State" means the state of Washington. (R&R 53 §1(part), 12-1-89).

**12.08.250 Surface water.** "Surface water" means any body of water, whether fresh or marine, which either flows or is contained in a natural or artificial depression or drainage course and contains water during any of the months of May through October, or has been identified by King County surface water management division as a significant drainage feature. Such bodies include, but are not limited to, natural and artificial lakes, ponds, rivers, streams, swamps, marshes, tidal water, and wetlands. (R&R 53 §1(part), 12-1-89).

**12.08.255 Unconfined aquifer.** "Unconfined aquifer" means an aquifer where the upper surface of the zone of saturation forms a water table, which is exposed to the atmosphere through openings in the overlying materials. (R&R 80 §8, 3-23-92).

**12.08.260 Water facilities inventory form (WFI).** "Water facilities inventory form (WFI)" means the DOH form which summarizes each public water system's characteristics. (R&R 53 §1(part), 12-1-89).

**12.08.270 Water utility coordination committee.** "Water utility coordination committee" means a committee established per WAC 246-293-150, including the latest revisions or amendments thereof, to recommend external critical water supply service area boundaries and develop a coordinated water system plan. (R&R 80 §9, 3-23-92: R&R 53 §1(part), 12-1-89).

**12.08.280 Well log.** "Well log" means a record of the construction or alteration of a well which is completed and filed by a water well contractor in accordance with Chapter 18.104 RCW. (R&R 53 §1(part), 12-1-89).

## **12.16 DESIGNER CERTIFICATION**

### **Sections:**

- 12.16.010 Water system designer certificate of competency.
- 12.16.020 Design of a public water system.

#### **12.16.010 Water system designer certificate of competency.**

A. It is unlawful to design a group A or B (as defined in Sections 12.16.020(B), 12.04.030 and 12.08.180 of this code) public water system without a valid public water system designer's certificate of competency. A professional engineer is exempt from this section. Professional engineers who are

licensed as civil or sanitary engineers can design public water systems without being certified as a public water system designer. However, only individuals meeting all testing requirements shall be included on the department list of certified designers.

B. Application for a public water system designer's certificate of competency shall be made to the health officer. The health officer will review the application, and may deny the application if in the health officer's judgment, the applicant is for any reason, including previous findings of negligence, incompetency, misrepresentation or failure to comply with this title and WAC 246-290, not qualified to design public water systems. A written examination shall not be required of any person entitled to a waiver of fee per subsection C of this section.

C. The fee for a public water system designer's certificate of competency shall be as prescribed in Section 2.16.020. For any certificates of competency issued after July 1st of each year the fee shall be one-half the annual fee. The health officer shall waive payment of the fee for anyone who can show evidence of licensure as a registered sanitarian or professional engineer in civil or sanitary engineering, who is in good standing with the licensing agency and can demonstrate familiarity with this title. However, the health officer will determine by oral interview whether the applicant entitled to a fee waiver is familiar with this title.

D. The fee for the public water system designer's examination shall be as prescribed in Section 2.16.020 of this code, payable in advance and not refundable.

E. The health officer may suspend or revoke any public water system designer's certificate of competency, pursuant to the uniform enforcement rules and regulations, Chapter 1.08 of this code (Rules and Regulations 7).

F. The public water system designer's certificate of competency shall expire on December 31 of each year. The holder of such certificate may renew the certificate at any time prior to February 4 of the year following expiration without taking the examination required by this section. However, the holder of the certificate will not be able to submit designs for public water systems until the certificate is renewed.

G. The health officer shall hold, as necessary, informational/educational meetings for all holders of a public water system designer's certificate of competency. A minimum of two weeks[] notice of the meeting time and location shall be given to each designer. Attendance at the meetings shall be mandatory for all designers except those who are licensed as a professional engineer or registered sanitarian. Failure to attend the required meetings without prior approval of the health officer, shall be cause for the health officer to withhold recertification until an examination, administered under the provisions of Section 12.16.010(B) of this code, is retaken. (R&R No. 05-05 § 136, 6-17-2005; R&R 80 §11, 3-23-92; R&R 53 §1(part), 12-1-89).

#### **12.16.020 Design of a public water system.**

A. Professional engineers, registered sanitarians or, under the following conditions, a designer, may design a group B public water system serving two through nine permanent connections or an average of less than twenty-five people for sixty or more days within a calendar year:

1. The system is a simple well and pressure tank system serving nine or fewer services and containing a single pressure zone;

2. No water treatment is required;

3. Special hydraulic considerations are not involved; and

4. The construction documents submitted by the designer conform to DOH guidelines.

B. All other group A and group B public water systems shall be designed by a professional engineer. (R&R 53 §1(part), 12-1-89).

### **12.20 DESIGN AND CONSTRUCTION APPROVAL OF GROUP A AND GROUP B PUBLIC WATER SYSTEMS**

#### **Sections:**

12.20.010 Design and construction approval of new or expanding public water systems--  
General requirements.

12.20.020 Additional requirements for well sources.

12.20.030 Additional requirements for surface water sources.

12.20.040 Additional requirements for spring sources.

12.20.050 Design and construction approval of group A or B (as defined in 12.04.030) public water systems in existence prior to the effective date of this title.

#### **12.20.010 Design and construction approval of new or expanding public water systems-- General requirements.**

A. Every water purveyor, before installing, adding to, extending or altering any portion of a group A or B (as defined in Section 12.04.030 of this code) water system, except as waived in paragraph E of

this section, shall have a professional engineer, registered sanitarian or designer (when allowed) submit to the health officer complete construction documents fully describing the proposed projects.

1. The nonrefundable review fee shall be according to Section 2.16.020 of this code.

2. The installation of a group A or B (as defined in Section 12.04.030 of this code) public water system prior to the approval of construction documents by the health officer shall be prohibited.

B. The health officer shall review the construction documents and within thirty days take one of the following actions:

1. Approve the construction documents;

2. Disapprove the construction documents and give reasons for denial; or

3. Disapprove the construction documents and require an approved alternative source.

C. Upon receipt of the written approval of the health officer, the construction documents shall be adhered to. Deviations from approved construction documents must be submitted to the health officer for review. This section does not apply to routine main repair.

D. Construction documents shall contain, but not be limited to:

1. Detailed construction drawings, which include distribution line sizes, valving;

2. A map showing topography, distances to the source from existing property lines, buildings, potential sources of contamination, ditches, drainage patterns, and any other natural or man-made feature affecting the quality or quantity of water and a plot plan of the system that shows elevations, and source and reservoir locations and capacities;

3. A copy of the source site inspection and approval from the health officer;

4. Information on whether or not the system is designed for irrigation purposes;

5. Provisions for design, inspection, acknowledgment of inspection and as-built drawing submittal;

6. A copy of the water right permit when developing a new source that will withdraw more than five thousand gallons per day, or increasing the capacity of an existing source to more than five thousand gallons per day, or when irrigating more than one-half acre as required by RCW 90.44.050 and RCW 90.03.250 including the latest revisions or amendments thereof;

7. A copy of the water well report, and well source development data establishing the capacity of the source. Data shall include static water level, yield, the amount of drawdown, recovery rate and duration of pumping. Interference between existing sources and the source being tested shall also be shown. The source shall be pump tested at no less than the maximum design rate to determine whether the well and aquifer are capable of supplying water at the rate desired and to provide information necessary to determine the proper pump setting in the well. A Washington State Department of Health guideline on pump testing is available to assist purveyors;

8. A recorded water use agreement which is binding and enforceable on all parties, their heirs, successors and assignees, and complies with the requirements of Section 12.28.010 of this code;

9. A recorded easement for the water line which runs from the water source to all service connections. The easement area must include provision for location of water storage reservoirs, well house, pressure tanks, and other facilities and equipment associated with the water source;

10. For wells and springs, provisions for well and spring head protection, including a protective radius around the water source established by covenant with recording number of document. Radius size to be established as provided for in WAC 246-290-210 and Section 12.24.010(C) of this code;

11. The following information for all new sources of water supply:

a. The results of an initial analysis of the raw water quality as required by either WAC 246-290-100(2)(l) or WAC 246-290-110(3)(h), depending on water source, including, as a minimum, bacteriological, complete inorganic chemical and physical analysis and a VOC analysis. When the source water quality is subject to variation, the range of variation. The health officer may require additional chemical sampling in areas where chemical contaminants of public health importance are suspected or detected in other nearby water sources;

b. Detailed construction documents of any treatment equipment;

12. Other information as required by the health officer such as consideration of an aquifer's capability. Prior to initiating an engineering report, the purveyor should contact the department in order to identify any such additional information.

E. Within sixty days of completion and prior to use of any project for which construction documents have been required by the health officer, the designer or registered sanitarian (when applicable) or professional engineer shall submit an acknowledgment of inspection and an as-built drawing of the completed system, along with the final inspection fee. The final inspection fee shall be as prescribed in Section 2.16.020 of this code.

1. The acknowledgment of inspection and the as-built drawing shall be signed by the designer, registered sanitarian or professional engineer;



2. The acknowledgment of inspection shall state that the project was constructed in accordance with the approved construction documents and that the installation, testing and disinfection of the system were carried out in accordance with WAC Chapter 246-290 and this title; and

3. The as-built drawing shall show the final location, size and description of all water system components.

F. If the acknowledgment of inspection and as-built drawing have not been received by the health officer within two years of the date of approval of the construction documents, the approval of the construction documents shall become null and void unless the purveyor requests an extension of the approval period. Extension of the approval may be obtained by having the designer, registered sanitarian, or professional engineer submit to the health officer a status report including a written schedule for work completion, together with the appropriate fee. The health officer may require updated or revised construction documents which are in accordance with current applicable regulations and design standards provided that, in the opinion of the health officer, any construction which has taken place will not be affected by the required changes in the construction documents. Failure to comply with the written schedule may result in the extended approval becoming null and void. (R&R No. 05-05 § 137, 6-17-2005; R&R 80 §12, 3-23-92; R&R 53 §1(part), 12-1-89).

#### **12.20.020 Additional requirements for well sources.**

A. The following additional information when a well is developed as a source of supply, or when an existing system is expanding:

1. The well location, approved by the health officer, and evidence that a sanitary control area has been set forth;

a. The exact well location must be shown on a scaled plot plan of the property. Acceptable scale is one inch to thirty feet (1":30') for the source site, and one inch to one hundred feet (1":100') for the plot plan. The proposed well location, its setback from the property lines, proposed and/or existing drainfield sites, septic tanks, and any other source of contamination must be shown on the plot plan. The legal description and tax account number of the property must also be provided.

b. The plot plan, an application for a well site inspection and the appropriate fee is to be submitted to the health officer. An alternate well site inspection will require a separate application and an additional review fee for each site evaluated.

c. If an existing private well is to be converted into a public well, a well log must be provided, if available.

d. Within thirty (30) days of receipt of the application, the health officer shall approve or disapprove the site proposed, and notify the applicant of his/her findings in writing. If disapproved, the health officer shall specify the reasons for the decision.

e. Well site approval shall be valid for two (2) years from the date of approval;

2. The well log as obtained after drilling (in the case of new wells);

3. Detailed construction plans to include, if pertinent, well housing, pump location, diameter of well, depth of completed well, depth of casing installed, location and type of screens or perforations, location and depth of all cement grout or other formation seals, provisions for air line, gauge, vent, and metering equipment, sampling tap, and provisions for emergency chlorination, including fittings for insertion of chlorine or adaptation and inclusion of a chlorinator. Plans must show at least one foot (1') separation between equipment and the pumphouse wall, and show adequate access for inspection of the pumphouse;

4. Well development data to include static water level (feet), yield (gallons/minute), the amount of drawdown (feet), recovery rate (feet/time) and duration of pumping. Wells shall be pump tested as per requirement of WAC 246-290-130(1). If drawdown stabilization does not occur after an extended period of pumping, additional geological investigation as specified by the health officer shall be performed to determine sustained yield; and

5. Results of at least one (1) bacteriological sample taken after complete flushing of the disinfecting agent from the well, which is free of disinfectant. These samples must not exceed the maximum contaminant levels for coliform bacteria as defined in WAC 246-290-310.

6. Wells shall be constructed and located in accordance with WAC Chapter 173-160, including the latest revisions or amendments thereof. (R&R 80 §13, 3-23-92; R&R 53 §1(part), 12-1-89)

#### **12.20.030 Additional requirements for surface water sources.**

A. The following information shall be provided when a surface water source is developed as a source of supply or when an existing system is expanding:

1. The source must meet all the criteria specified in WAC Chapter 246-290 for surface sources including adequate watershed control (WAC 246-290-450), water treatment design (WAC 246-290-250), water quality (WAC 246-290-310), monitoring requirements (WAC 246-290-300), and report (WAC 246-290-110). (R&R 80 §14, 3-23-92; R&R 53 §1(part), 12-1-89)

#### **12.20.040 Additional requirements for spring sources.**

A. The following additional information shall be provided when a spring is developed as a source of supply or when an existing system is expanding:

1. The spring location, approved by the health officer, and evidence that a sanitary control area has been set forth;

a. The exact spring location must be shown on a scaled plot plan. Acceptable scale is one inch to thirty feet (1':30") for the source site, and one inch to one hundred feet (1':100") for the plot plan. The proposed spring location, its setback from the property lines, proposed and/or existing drainfield sites, septic tanks, and any other sources of contamination must be shown on the plot plan. The legal description and tax account number of the property must also be provided.

b. The plot plan, an application for a spring site inspection, and the appropriate fee is to be submitted to the health officer. An alternate spring site inspection will require a separate application and an additional review fee for each site evaluated.

c. Within thirty (30) days of receipt of this application the health officer shall approve or disapprove the site proposed, and notify the applicant of his/her findings in writing. If disapproved, the health officer shall specify the reasons for the decision.

d. Spring site approval shall be valid for two (2) years from the date of approval;

2. Seasonal data on the water quality and quantity for the proposed spring source. The data must address the following:

a. Minimum and maximum measured water flows of the source over a one (1) year time period. A minimum of six (6) evenly spaced flow tests must be conducted, with no more than one (1) test per month, and to include at least one (1) test per each calendar quarter (three (3) month time period) of the year;

b. Raw water bacteriological samples. A minimum of six (6) samples must be taken from the source over a one (1) year period, with no more than one (1) test per month and including one (1) test per each calendar quarter (three (3) month time period) of the year. These samples must not exceed the maximum contaminant level for coliform bacteria as defined in WAC 246-290-310; and

3. Detailed construction plans to include depth of spring source, source development details (reservoir and spring box construction, location, type of screens or perforation, locations and depth of all cement grout or other seals to prevent surface water intrusion into the spring box, provisions for emergency chlorination, provision for spring recharge area control to prevent contamination of the source), and other information as specified in WAC 246-290-120. The plans must show at least one foot (1') separation between equipment and the pumphouse wall, and show adequate access for inspection of the pumphouse. (R&R 80 §15, 3-23-92: R&R 53 §1(part), 12-1-89).

#### **12.20.050 Design and construction approval of group A or B (as defined in Section 12.04.030) public water systems in existence prior to the effective date of this title.**

A. All group A or B (as defined in Section 12.04.030) public water systems in existence prior to the effective date of this title and not having prior approval of the health officer, must apply to the health officer for approval of the design and construction of the system. The purveyor, through a designer, registered sanitarian or professional engineer, as per requirements of Chapter 12.16 of this title, shall provide to the health officer the following information along with the appropriate review fee as specified in Section 2.16.020 of this code:

1. As-built plans of the water system, size of the water system, estimate of water consumption, results of sanitary water system survey, source capacity and water right status;

2. Specific data on chemical, bacteriological and physical water quality for both the raw and drinking water; and

3. Other data as required by the health officer. This may include, but not be limited to, full compliance with WAC 246-290-110 and WAC 246-290-120.

B. The health officer may take one of the following actions based upon review of the data submitted by the purveyor:

1. Not approve the design and construction of the system and require an alternate approved source;

2. Not approve the design and construction of the system and issue a list of items required for approval;

3. Grant limited or provisional approval of the design and construction of the system, based on a defined program to bring the system into full compliance; or

4. Grant full approval of the design and construction of the system. (R&R No. 05-05 § 138, 6-17-2005: R&R 80 §16, 3-23-92: R&R 53 §1(part), 12-1-89).

## 12.24 SPECIFIC REQUIREMENTS

**Sections:**

- 12.24.010 Source protection.
- 12.24.020 Abandonment of wells.
- 12.24.030 Cross-connections.

**12.24.010 Source protection.**

- A. Drinking water shall be obtained from the highest quality source feasible.
- B. Existing and proposed drinking water sources shall conform to the water quality standards established in WAC 246-290-310 or treatment capable of achieving such standards shall be provided.
- C. Sanitary Control Area.
  - 1. Drinking water sources shall be protected from possible contaminants in accordance with the minimum setbacks set forth in Section 12.20.010(C).
  - 2. The health officer may require greater setbacks than established in Section 12.24.010(C) if geological and hydrological data supports such a decision.
  - 3. It shall be the purveyor's responsibility to obtain the protection needed.
  - 4. The following setbacks shall be required for wells and springs:

	Drilled Wells	Springs <sup>1, 14</sup>
Animal Enclosures	100'	200' <sup>14</sup>
Houses and/or Garages	100' <sup>10</sup>	200' <sup>11</sup>
Public Roads <sup>2</sup>	100' <sup>3, 4, 8</sup>	200' <sup>3, 4, 8</sup>
Sewers, Pressure Effluent Pipe Building Sewers	100' <sup>12</sup>	200' <sup>13</sup>
Septic Systems <sup>5</sup>	100' <sup>16</sup>	200' <sup>16</sup>
Garbage and Manure Piles	100'	200'
Storage of Chemicals:		
Herbicides and Insecticides	100'	200' <sup>14</sup>
Surface Water	100' <sup>7</sup>	200' <sup>6</sup>
Railroad Tracks and Power Utility or Gas Lines	100'	200'
Underground Storage Tanks	100'	200'
Sanitary and Abandoned Landfills (as defined in Board of Health King County Code Title 10)	1,000' <sup>15</sup>	As deemed necessary by the health officer

- (1) Also applies to dug wells.
- (2) Includes county, state and interstate roads. Also includes roads in short plats which have CRID Covenants (County Road Improvement District). These roads have the potential for becoming public roads.
- (3) Private road easements, less than sixty feet (60') in width, which are existing and show no apparent or potential contamination possibilities to the water source (the roads drain surface water away from the water source through proper grading and ditching) can be allowed within the above setback if permitted by the health officer.
- (4) Private road easements, less than sixty feet (60') in width, which are proposed (not existing) within the above setback, may be permitted if it can be demonstrated to the health officer that the topography and the land contours will preclude the proposed road easement from presenting a contamination problem to the water source.
- (5) Includes the building sewer, septic tank, drainfield and designated reserve area.
- (6) A waiver of the setback to one-hundred feet (100') may be granted by the health officer for areas located below the spring site where there is an average drop-off in elevation of at least five percent (5%) from the spring site to the surface water, and it can be demonstrated that this area does not contribute to the recharge of the spring.
- (7) A waiver of the setback to fifty feet (50') may be granted by the health officer, provided that the well casing can be protected from flooding and the well utilizes an aquifer which is below the surface water and is protected by a geological barrier, hardpan, impervious layer, etc.
- (8) A waiver of the setback to seventy-five feet (75') may be granted by the health officer if:
  - (a) Ditches, properly designed and lined with impermeable material, may be installed along the roadway in order to accept any surface runoff or contamination and divert it to a point one hundred feet (100') away from the well;
  - (b) The purveyor demonstrates through appropriate engineering justification (per WAC Chapter 246-290-210) that adequate sanitary control can be provided in the vicinity of the source. The engineering justification shall include demonstration that the road right-of-way or easement does not contribute to the recharge of the water source in question;
  - (c) For a new source location, the waiver must have Washington State Department of Ecology (WSDOE) concurrence.
- (9) A waiver of the setback to one hundred fifty feet (150') may be granted by the health officer if:
  - (a) Ditches, properly designed and lined with impermeable material, may be installed along the roadway in order to accept any surface runoff or contamination and divert it to a point two hundred feet (200') away from the spring;

(b) The purveyor demonstrates through appropriate engineering justification (per WAC Chapter 246-290-210) that adequate sanitary control can be provided in the vicinity of the source. The engineering justification shall demonstrate that the road right-of-way or easement does not contribute to the recharge of the water source in question.

(10) The setback to a private residence or garage may be reduced to seventy-five feet (75') if a waiver is granted by the health officer.

(11) The setback to a private residence or garage may be reduced to one hundred fifty feet (150') if a waiver is granted by the health officer.

(12) The setback to a sewer line, pumpline or building sewer may be reduced to fifty feet (50') if a waiver is granted by the health officer and:

(a) The pipe can be constructed of Schedule 40 or better and be pressure tested to a minimum of ten feet (10') of head.

(b) The pipe is buried in a trench with continuous and uniform bedding. Trenches must be backfilled in thin layers to twelve inches (12") above the top of the piping with clean earth which cannot contain stones, boulders, cinder fall or other materials which would damage or break the piping or cause corrosive action. Backfill materials shall be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect it. Stones found in the trench shall be removed for a depth of at least six inches (6") below the bottom of the pipe.

(c) For a new source location, the waiver must have WSDOE concurrence.

(13) The setback to a sewer line, pumpline or building sewer may be reduced to one hundred feet (100') if a waiver is granted by the health officer and:

(a) The pipe be constructed of Schedule 40 or better and be pressure tested to a minimum of ten feet (10') of head;

(b) The pipe is buried in a trench with continuous and uniform bedding. Trenches must be backfilled in thin layers to twelve inches (12") above the top of the piping with clean earth which cannot contain stones, boulders, cinder fall or other materials which would damage or break the piping or cause corrosive action. Backfill materials shall be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect it. Stones found in the trench shall be removed for a depth of at least six inches (6") below the bottom of the pipe.

(14) The setback to chicken coops, rabbit hutches, barns, pip pens and other animal enclosures, and to sheds used for storage for fertilizers, pesticides, herbicides and other chemicals may be reduced to one hundred feet (100') for spring provided that:

(a) These are located in an area below the spring where there is an average drop-off of at least five percent (5%) from this site to these facilities and beyond;

(b) It can be demonstrated that this area does not contribute to the recharge of the spring source.

(15) No public water system well shall be located closer than one thousand feet (1,000') to an up-gradient sanitary landfill unless it can be demonstrated that there are no less than ninety (90) days of travel time hydraulically from the sanitary landfill to the public water system well. Additionally, no public water system well shall be located closer than one thousand feet (1,000') to a down-gradient sanitary landfill, unless engineering studies are submitted to the health officer which justifies a reduced setback requirement.

(16) In areas of heightened health concern or where conditions indicate a greater potential for contamination of the water supply, this distance may be increased by the health officer.

(R&R 80 §17, 3-23-92: R&R 53 §1(part), 12-1-89).

#### **12.24.020 Abandonment of wells.**

A. Abandonment or destruction of wells shall be in accordance with WAC 173-160-415 through 465.

B. The health officer may require the abandonment or destruction of any well which is constructed in violation of this title. (R&R 53 §1(part), 12-1-89).

**12.24.030 Cross connections. Cross connections in public water systems are prohibited as per WAC 246-290-490.** Water systems shall not be connected to another water system without the health officer's approval. (R&R 80 §18, 3-23-92: R&R 53 §1(part), 12-1-89).

## **12.28 WATER SYSTEM OPERATIONS AND MANAGEMENT**

### **Sections:**

12.28.011 Water system plan and management program requirements.

12.28.020 Required monitoring.

12.28.030 Public notification.

12.28.035 Inspections, evaluations and classification.

12.28.040 Existing water system condition report.

#### **12.28.011 Water system plan and management program requirements.**

A. Water System Plan. Public water systems shall develop a water system plan for review and approval by the health officer if it is located in an area utilizing the Public Water System Coordination Act of 1977, WAC Chapter 70.116 and WAC Chapter 248-56. The scope and detail of the plan will be related to size and complexity of the water system.

1. This plan shall contain:

a. Basic water system planning data;

- b. Existing system analysis;
- c. Planned improvements;
- d. Financial program;
- e. Relationship and compatibility with other plans;
- f. Supporting maps;
- g. Operations program;
- h. State Environmental Policy Act; and,
- i. Watershed control when applicable.

B. Small Water System Management Program. All systems not required to complete a water system plan shall develop a small water system management program. The content and detail of the program shall be consistent with the size, complexity, past performance and use of the public water system.

- 1. This program is required when:
  - a. A new water system is proposed;
  - b. A new project is proposed for an existing system;
  - c. An existing system has problems associated with inadequate or improper management or operations;
  - d. Requested by the health officer for an existing system not having approved engineering documents, such as, or similar to, those described under WAC 246-290-110 and 246-290-120; or
  - e. There is a change in ownership of the system.
- 2. This program shall contain:
  - a. Ownership and decision-making issues;
  - b. Financial capability; and
  - c. Operations.

C. Water Use Agreement. This agreement must provide the following as a minimum:

- 1. Ownership of the water source and system, including all parties and lots who have the right of usage of this water source and system along with the number of service connections each is allowed. The agreement must state whether or not the parties have the right to use the water for irrigation purposes;
- 2. Provision for assessing water system owners and users for the installation and maintenance costs of the water source and water system, including the expense of water quality sampling as required by WAC 246-290-300 and this title;
- 3. Specification of the contamination sources which cannot be placed within the required protective radius of the water source;
- 4. Responsibility for maintenance and repair of pipeline;
- 5. Restriction of furnishing water to additional parties without health officer approval;
- 6. Provision for reliability and continuation of water service in accordance with WAC 246-290-420 and WAC 246-290-430.

a. "Reliability" means that the purveyor shall ensure that the system is constructed, operated and maintained to protect against failures of the power supply, treatment process, equipment or structure with appropriate backup facilities. Security measures shall be employed to assure the water source, water treatment processes, water storage facilities and the distribution system are under the strict control of the purveyor. Where fire flow is required, a positive pressure at the water meter or property line shall be maintained throughout the system under fire flow conditions. Water pressure at the customers service meter or property line, if a meter is not used, shall be maintained at the approved design pressure under maximum instantaneous demand (MID) conditions. In no case shall the pressure be less than twenty (20) psi under MDI conditions. Water use restriction as a designed operation practice shall not be allowed. However, water use restrictions may be allowed in times of drought. No intake or other connection shall be maintained between a public water system and a source of water not approved by the department. The purveyor shall maintain twenty-four (24) hour phone availability and shall respond to consumer concerns and service complaints in a timely manner;

b. "Continuity" means that no purveyor shall transfer system ownership without providing written notice to the health officer and all customers. Such notice shall be provided at least one (1) year prior to the transfer, unless the new owner agrees to an earlier date. Notification shall include a time schedule for transferring responsibilities, identification of the new owner, and under what authority the new ownership will operate. If the system is a corporation, identification of the registered agent shall also be provided. It shall be the responsibility of the transferring owner to ensure all health related standards pursuant to WAC Chapter 246-290 are met during transfer of the utility. It shall also be the responsibility of the transferring owner to inform and train the new owner regarding operation of the water system;

7. Procedures for election or selection of a water purveyor to manage the water system. The purveyor's responsibilities include the taking and submitting of all necessary samples for water quality (as required in WAC Chapter 246-290, and elsewhere in this title) and handling of emergencies such as system shutdown, and shall serve as a contact person for the health officer when problems with the water system arise. The purveyor shall be responsible for notifying the health officer and all parties included in the agreement of the results of the water quality tests that are required by WAC 246-290-300 and this title; and

8. Provision for enforcement of the agreement on nonconforming parties.

D. The water system purveyor's name, address and telephone number (where the purveyor can be reached twenty-four (24) hours a day) must be provided to the health officer on an annual basis unless other arrangements are made which are acceptable to the health officer.

E. The water purveyor shall submit and update a WFI within thirty (30) days of any change in name, class, ownership or responsibility for management of the public water system. (R&R 80 §19, 3-23-92: R&R 53 §1(part), 12-1-89).

#### **12.28.020 Required monitoring.**

A. The purveyor is responsible for submitting the required water quality samples in a frequency as required by WAC 246-291-300, 246-291-310, 246-291-320, 246-291-330, 246-291-340 and 246-291-350. The purveyor shall collect raw water samples directly from the source for water chemistry. For any bacteriological testing, the samples shall be taken from the furthest end of the distribution system or elsewhere as directed by the health officer. The health officer may require additional monitoring when he or she determines contamination is present or suspected in the water system or when the source may be vulnerable to contamination.

B. All Group B purveyors shall provide copies of their water sample analysis results directly to the health officer for entry into the King County Group B data records.

C. Where the sample results indicate a possible maximum contaminant level violation, the water system purveyor shall comply with the general follow-up requirements of WAC 246-291-310 and the public notification requirements of WAC 246-291-360.

D. The health officer may, at his or her discretion, collect check samples at Group B water systems. Such check samples shall be collected at no cost to the Group B water system, unless the Group B water system purveyor has failed to sample in accordance with the requirements of this section.

E. If the purveyor fails to perform the bacteriological analysis or the nitrate analysis within six (6) months after the due date of the analysis, the health officer may sample and perform either or both of these analyses and charge a fee for service in accordance with BOH 2.16.020.

F. The purveyor is responsible for ensuring that the water system water quality complies with the standards as set forth in WAC 246-291-300, 246-291-310, 246-291-320, 246-291-330, 246-291-340 and 246-291-350. (R&R No. 09-06 § 3, 2009: R&R No. 05-05 § 139, 6-17-2005: R&R 04-02 §6, 7-6-2004: R&R No. 1 §7, 6-21-96: R&R 80 §20, 3-23-92: R&R 53 §1(part), 12-1-89).

#### **12.28.030 Public notification.**

A. It shall be the duty and responsibility of the water purveyor to issue a notice to all billing addresses and a notice to all permanent residences served by the system users and send a copy of the notice or a written explanation of how the system users were notified to the health officer within fourteen (14) days of any of the following:

1. When any applicable primary maximum contaminant level has been exceeded as per WAC 246-291-320, 246-291-330, 246-291-340 and 246-291-350;

2. Failure to comply with an applicable testing procedure;

3. Failure to comply with any treatment technique which has been prescribed; or

4. Failure to perform the prescribed monitoring as required.

B. The water purveyor shall notify the water system users in accordance with WAC 246-291-360. (R&R No. 1 §8, 6-21-96: R&R 80 §21, 3-23-92: R&R 53 §1(part), 12-1-89).

#### **12.28.035 Inspections, evaluations and classification.**

A. The health officer may perform random comprehensive system evaluations on any Group B water system to ascertain compliance with existing regulations and to determine the public water system's classification at no cost to the Group B water systems in the fully approved/adequate classification category.

B. The health officer may perform a comprehensive system evaluation every five (5) years of any Group B water system in the provisionally adequate classification category for the current cost of the

comprehensive system evaluation fee. The health officer may perform additional comprehensive system evaluations as needed without charge to the Group B water system. The health officer shall provide a report to the Group B purveyor documenting any deficiencies found during the evaluation. The purveyor is responsible for collection and submission of required water quality monitoring samples as set forth in Sections 12.28.020 of this chapter and WAC 246-291-300, 246-291-310, 246-291-320, 246-291-330, 246-291-340, and 246-291-350.

C. The health officer may perform a comprehensive system evaluation every three (3) years of any Group B water system in the inadequate classification category for the current cost of the comprehensive system evaluation fee. The health officer may perform additional comprehensive system evaluations as needed without charge to the Group B water system. The health officer shall provide a report to the Group B purveyor documenting any deficiencies found during the evaluation. The purveyor is responsible for collection and submission of required water quality monitoring samples as set forth in Section 12.28.020 of this chapter and WAC 246-291-300.

D. The health officer may place Group B water systems in any of the following classifications; fully approved/ adequate; provisionally adequate; inadequate. The assigned classification shall be based on the comprehensive system evaluation and/or the department's records on the Group B water system sampling and file information. (R&R No. 1 §9, 6-21-96).

**12.28.040 Existing water system condition report.** Any person, agency or company desiring a report on the condition of a water supply shall make application for such information to the department on a form provided by the department. Application for the report on such water supply shall be accompanied by a fee as specified in 2.16.020 of this code. Upon receiving such request, the health officer may perform a comprehensive system evaluation, collect a water sample for bacterial analysis, and review the water system's records to determine that the water system has received approval and has been operated in accordance with Chapter 12.28 of this title and WAC 246-291. The health officer may provide the results of the evaluation, and other information to the applicant in a report. The evaluation shall be performed in accordance with the Department of Public Health, Environmental Health Division, Policy and Procedure #P88-08. (R&R No. 05-05 § 140, 6-17.2005: R&R No. 1 §10, 6-21-96: R&R 80 §22, 3-23-92: R&R 53 §1(part), 12-1-89).

## 12.32 WATER SERVICE REQUIREMENTS

### Sections:

- 12.32.010 Required connection to an existing public water supply.
- 12.32.020 Critical water supply service areas.

#### **12.32.010 Required connection to an existing public water supply.**

A. The owner or occupant of lands or premises undertaking new construction or other new development for which an approved public water source shall be required must connect to an approved public water system when all of the following conditions are met:

1. Any part of the lands or premises are located within either:
  - a. The boundaries of an existing public water system as described in an approved Water Comprehensive Plan as required by King County Code 13.24; or
  - b. A service area as described by an adopted Coordinated Water System Plan for those systems which are not required to prepare a Comprehensive Plan by King County Code 13.24.
2. The public water system must meet the water quality requirements of WAC 246-290-300 through 246-290-330.
3. The purveyor of the existing public water supply is able and willing to provide service in a timely and reasonable manner, as per WAC 246-293-190, including the latest revisions or amendments thereof.

B. For pre-application approval of a subdivision, short subdivision, rezone or lot line adjustment, the health officer must receive the following information:

1. For existing public water supplies, a copy of a certificate of water availability from the purveyor of the public water supply;
2. For a proposed public water supply, a request for approval of the water source site location, a recorded copy of a declaration of covenant, restrictive covenant(s) (if applicable), waterline easements and a water-use agreement; and
3. For the use of private wells, documentation that all lots are five (5) acres or larger in size.

C. For final approval of a subdivision, short subdivision, rezone or lot line adjustment, the health officer must receive the following information:

1. For group A or B (as defined in Section 12.04.030) water systems, approved construction documents, a copy of the acknowledgment of inspection and an as-built drawing of the completed system;

2. For group A or B (not as defined in Section 12.04.030) water systems, a copy of a letter from the water utility which states that the system has been installed and approved or that a contract or bond assures completion of the system; and

3. For the use of private wells, documentation that all lots are five (5) acres or larger in size, and that the source must be developed and meet the minimum production requirements per Title 19 KCC.

D. All lots created by a subdivision, short subdivision, rezone or lot line adjustment which are less than five (5) acres in size and were created after May 18, 1972 must be served by an approved public water supply which is current in its sampling requirements. (R&R 80 §23, 3-23-92: R&R 53 §1(part), 12-1-89).

#### **12.32.020 Critical water supply service areas.**

A. Development or expansion of water systems in critical water supply service areas shall be in accordance with WAC 246-293-190 and the approved coordinated water system plan for that area.

B. The declared critical water supply service areas are: Vashon/Maury Island; Skyway; South King County; and East King County. These areas boundaries are shown in Chapter 12.52. (R&R 80 §24, 3-23-92: R&R 53 §1(part), 12-1-89).

### **12.36 WAIVERS**

#### **Sections:**

12.36.010 Conditions for a waiver.

12.36.020 King County board of water review.

**12.36.010 Conditions for a waiver.** The health officer may, in his/her discretion, waive parts of this title on an individual case basis. A waiver shall be based on the following:

A. No public health hazard will result;

B. The safety or health of persons using the public water supply will be protected;

C. The waiver is consistent with the intent of this title; and

D. The waiver will not be in conflict with the requirements of WAC Chapter 246-290 and the Federal Safe Drinking Water Act. (R&R 80 §25, 3-23-92: R&R 53 §1(part), 12-1-89).

#### **12.36.020 King County board of water review.**

A. Membership.

1. There is established the King County board of water review (the board). It shall consist of three members: the health officer, or designated representative; the DOH district engineer, or designated representative; and a sanitary or civil engineer knowledgeable in design of water systems appointed by the county executive. One or more sanitary and/or civil engineers shall be appointed by the county executive to serve as alternate members in the absence of the regular engineer member, or when in the judgment of the board a conflict of interest exists. The terms of the regular engineer member and alternate member shall expire on December 31st of each even-numbered year, and they may be reappointed. The engineer may be selected from industry.

2. The board shall select one member to serve as its chairman for each calendar year, and the chairman may be reelected. The chairman may designate any person to serve as secretary to the board. The board shall adopt its own rules of procedure, a copy of which shall be filed with the clerk of the county council.

3. All board members not employed by the county or the state shall be entitled to reimbursement from the department in the amount of thirty dollars per day or part of day for each meeting that member attends.

B. Public Meetings and Procedure.

1. Pursuant to this title, any person aggrieved by any decision or final order of the health officer made pertaining to an existing or proposed water system in which that person has an interest may appeal to the board. The appeal shall be commenced by the filing of a written demand therefore, citing with particularity the order or decision appealed from and the reasons for the appeal. The fee for an appeal is specified in Section 2.16.020 of this code.



2. Appeals shall be made on forms prescribed by the health officer, and must be filed with the health officer within sixty days of receipt of the decision or order which is the subject of the appeal. Appeals shall be accompanied by any technical reports or other exhibits which the appellant wishes the board to consider.

3. The applicant shall be responsible for providing notice regarding the nature of the appeal to all owners of property within three hundred feet of the property that is the subject of the appeal. Such notification shall be made on forms provided by the health officer.

4. The board may grant waivers from the requirements of this title where there are unusual circumstances or conditions such that the strict application of the requirements would cause undue and unnecessary hardship. No waiver shall be granted which would in any way tend to jeopardize the public health and safety and welfare or in any way tend to interfere with or prejudice the rights of others to the comfortable enjoyment of life and property. No waiver shall be granted which would be contrary to the laws of the state, including WAC Chapter 246-290 as now or hereafter amended.

5. Any waiver granted by the board shall expire after two years unless the water system is installed and approved by the health officer prior to the expiration date.

6. The board may affirm or reverse, wholly or in part, or may modify any order or decision appealed to it. The reasons for its decision and any findings of fact made in support thereof must appear in the notice of the decision to the appellant and to the health officer.

7. All decisions of the board shall be final unless within twenty (20) days from the date of decision an aggrieved person obtains a writ of certiorari from King County superior court for the purpose of review of the decision. (R&R No. 05-05 § 141, 6-17-2005; R&R 80 §26, 3-23-92; R&R 53 §1(part), 12-1-89).

## **12.40 ENFORCEMENT**

### **Sections:**

12.40.010 Enforcement actions.

#### **12.40.010 Enforcement actions.**

A. When any group A or B (as defined in Section 12.04.030) public water system is out of compliance with this title, the health officer may initiate appropriate enforcement actions, regardless of any prior approvals issued by DOH or the health officer. These actions may include any one (1) or combination of the following:

1. Issuance of letters instructing or requiring appropriate corrective measures;

2. Issuance of a compliance schedule for specific actions necessary to achieve compliance;

3. Issuance of orders requiring specific actions or ceasing unacceptable activities within a designated time period. In emergency situations, orders may be issued in the field requiring immediate actions be taken;

4. Issuance of orders to stop work and/or refrain from using any group A or B (as defined in Section 12.04.030) public water system or improvements thereto until all written approval required by statute or rule are obtained;

5. Imposition of civil penalties for failure to comply with health officer orders of up to five thousand dollars (\$5,000.00) per day under authority of RCW Chapter 70.119A; or

6. Request for legal action by the local prosecutor in accordance with Board of Health King County Code Chapter 1.08 (King County Board of Health rules and regulations No. 7). (R&R 80 §27, 3-23-92; R&R 53 §1(part), 12-1-89).

## **12.44 CRITICAL WATER SUPPLY AREAS**

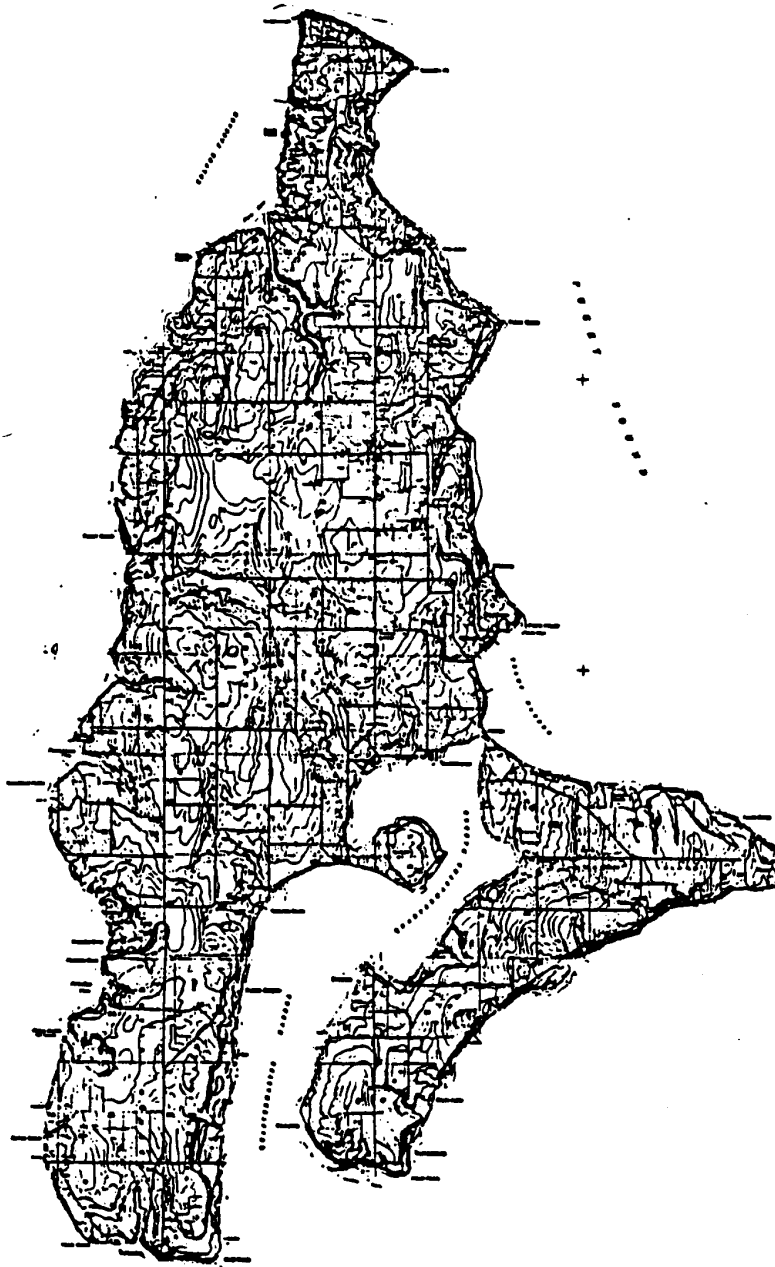
### **Sections:**

12.44.010 Vashon/Maury Island critical water supply area.

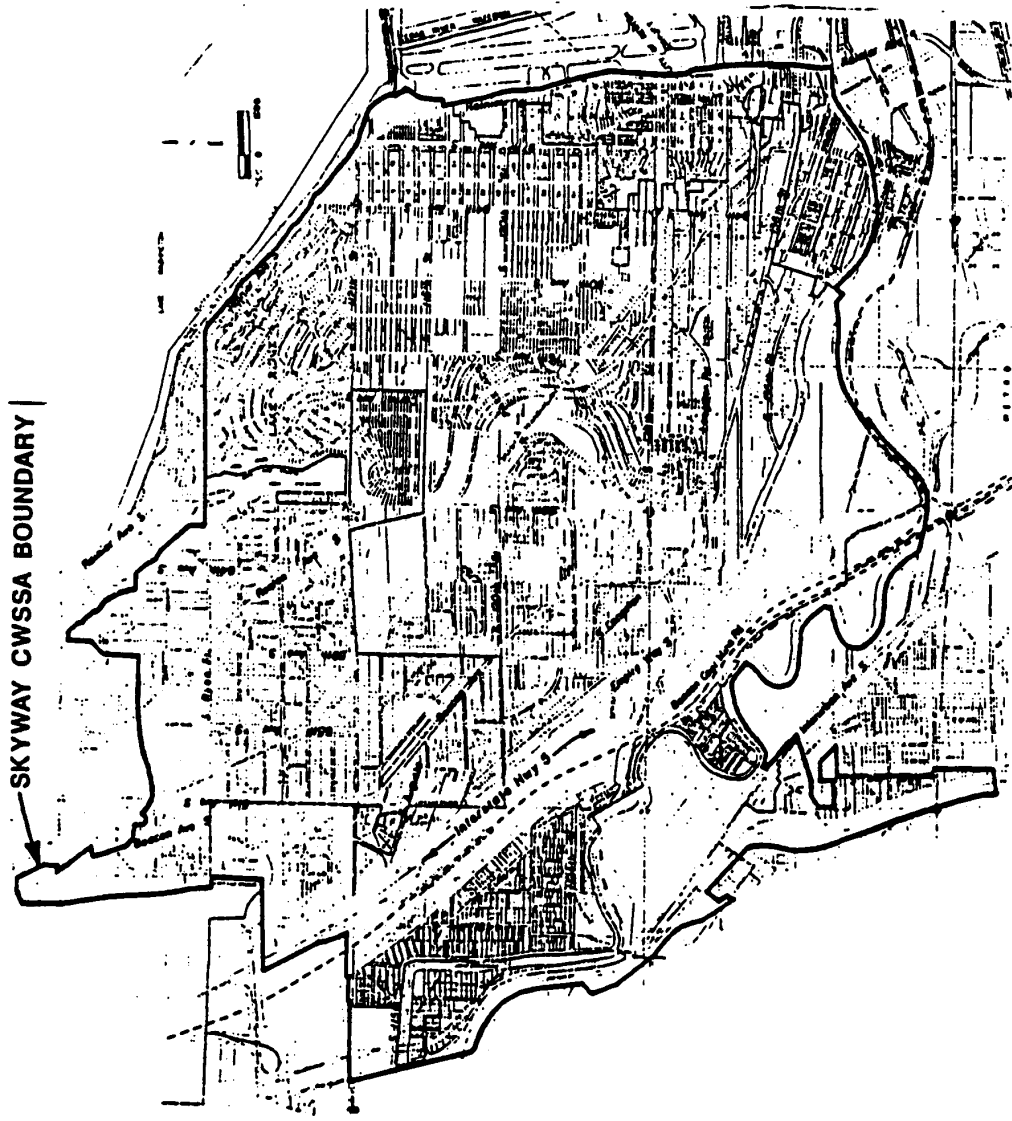
12.44.020 Skyway critical water supply area.

12.44.030 South King County and East King County critical water supply area.

12.44.010 Vashon/Maury Island critical water supply area.

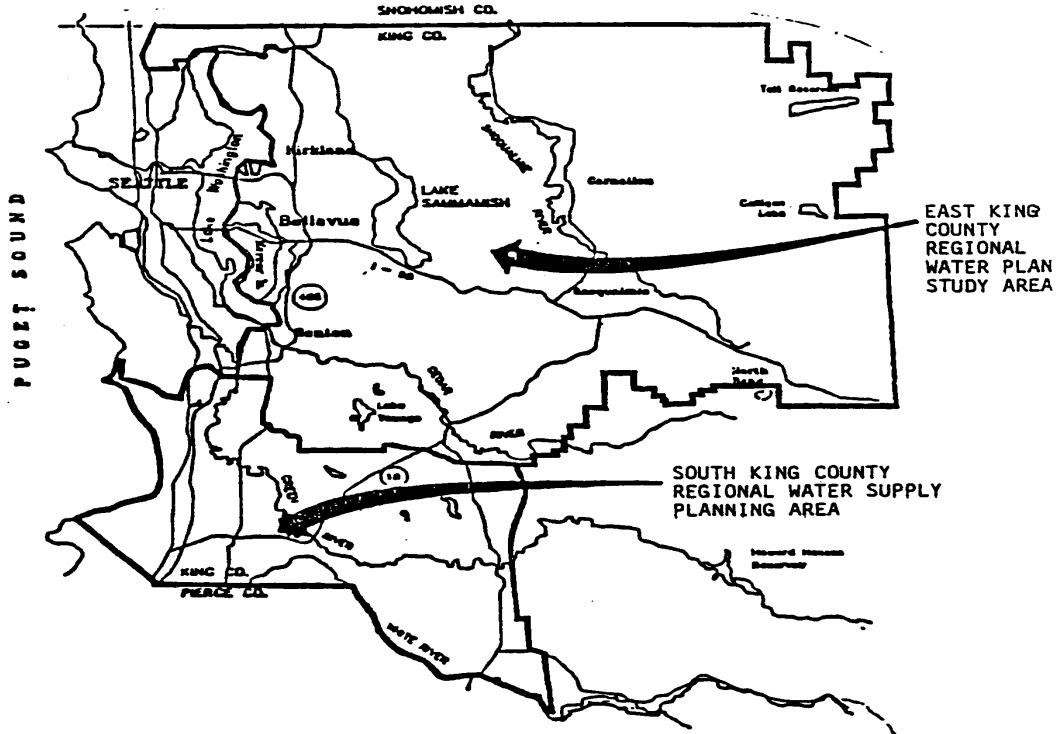


12.44.020 Skyway critical water supply area.



(R&R 53 §1 (part), 12-1-89).

12.44.030 South King County and East King County critical water supply area.



(R&R 53 §1 (part), 12-1-89).